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In re Application of	:	
KLOKKERS et al.	:	
Application No.: 10/577,569	:	
PCT No.: PCT/EP2004/012230	:	
Int. Filing Date: 28 October 2004	:	NOTIFICATION
Priority Date: 31 October 2003	:	
Attorney Docket No.: 930008-2208	:	
For: PHARMACEUTICAL ACTIVE-INGREDIENT-	:	
CONTAINING FORMULATION WITH COATING	:	

This is a decision on applicants' submission filed 27 February 2008.

BACKGROUND

On 28 October 2004, applicants filed international application PCT/EP2004/012230, which designated the United States and claimed a priority date of 31 October 2003. A copy of the international application was communicated from the International Bureau to the USPTO on 12 May 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 01 May 2006 (30 April 2006 being a Sunday).

On 27 April 2006, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee and a translation of the application into English.

On 26 August 2005, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 21 February 2007, applicants filed a petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a declaration signed by all of the inventors except for Thomas Rillmann, a letter from a Dr. Forstmeyer to Applicant's United States attorney, Ms. Massey Licata, dated 20 February 2007.

On 28 March 2006, a decision was mailed dismissing applicants' petition under 37 CFR 1.47(a) without prejudice. The decision indicated, *inter alai*, that applicant had failed to provide factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort. The decision set a two-month extendable period for reply.

On 17 July 2007, applicants filed a submission which was accompanied by, *inter alia*, a declaration of inventors signed by Thomas Rillmann.

On 05 September 2007, a decision was mailed dismissing applicants' petition under 37 CFR 1.47(a) as moot since a 37 CFR 1.497 declaration had been executed by all the joint inventors. The decision also indicated that the declaration of inventors signed by Thomas Rillmann filed 17 July 2007 was not in compliance with 37 CFR 1.497(a)-(b) since it did not identify all of the inventors and that a new declaration signed by Thomas Rillmann in compliance with 37 CFR 1.497(a)-(b) was required.

On 04 October 2007, applicants submitted a petition under 37 CFR 1.47(a) for non-signing inventor Thomas Rillman who purportedly would not sign a declaration listing all of the inventors. The petition was accompanied by, *inter alai*, a declaration of facts by Hubert Leger.

On 07 November 2007, a decision was mailed dismissing applicant's petition under 37 CFR 1.47(a) filed 04 October 2007 for failing to provide factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort.

On 04 January 2008, applicants filed a renewed petition under 37 CFR 1.47(a).

On 07 January 2008, applicants filed a submission including, *inter alia*, a declaration of inventors signed by all inventors.

On 22 January 2008, a decision was mailed dismissing applicants' petition under 37 CFR 1.47(a) as moot since a 37 CFR 1.497 declaration had been executed by all the joint inventors. The decision also noted that the declaration filed 07 January 2008 was not sufficient because it contained non-initialed alterations.

On 27 February 2008, applicants filed the instant submission which included a declaration of inventors.

DISCUSSION

The declaration of inventors filed 27 February 2008 is in compliance with 37 CFR 1.52(c) since the alterations have been initialed and dated. The declaration of inventors is also in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application in accordance with this decision.

/Daniel Stemmer/

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